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| 10/091,652 | 03/05/2002 | Brady Dow | 21224-000110 | 9165 |
| 20350 | 7590 | 05/04/2006 | EXAMINER | |
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | DANIELS MENDEZ, PHYLLIS A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3629 | |

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,652

Applicant(s)

DOW, BRADY

Examiner

Phyllis A. Daniels-Mendez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/13/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: 2.
Background Art, Line 13: Change the word "business" to "businesses". Appropriate correction is required.
2. The disclosure is objected to because of the following informalities: Summary of Invention, Lines 22-25. The applicant has indicated that based on a navigational choice that a presentation profile can be determined. How can a profile be determined by having just one navigational choice? Appropriate correction is required.

Claim Objections

3. Claims 11, 35, 37 objected to because of the following informalities: It is unclear which term the applicant would like to use for "no response". These terms have been used in the claims: no-response and no response. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-5, 8-44** are rejected under 35 U.S.C. 102(a) as being anticipated by **Noble, Jr.** (US Patent# 6,356,634).

Claim 1: A method for interacting with one or more recipients, the method comprising: providing a conversation control system (**C2, L16-17**); selecting an approach, a script, and a presentation via the conversation control system (**C2, L35-48**); and communicating with a recipient, wherein at least a portion of communication provided to the recipient includes the presentation in an order indicated by the script and provided via the conversation control system (**C2, L48-50**).

Claim 2: The method of claim 1, wherein the script comprises a group of steps directing an interaction with the recipient (**C2, L24-27**). **The TSR (Telephone Service Representative) delivers a pre-recorded voice file to the customer on the other end of the line.**

Claim 3: The method of claim 2, wherein the script is a sales script. The claim language of Claim is not further limited based upon this recitation (**C2, L24-27**). **A script is comprised of a set group of steps directing an interaction with the recipient. It does not matter if it a sales script or a customer service script.**

Claim 4: The method of claim 2, wherein the script is a customer service script (C2, L24-27). **As defined by the applicant; a script is comprised of a set group of steps directing an interaction with the recipient. It does not matter if it a sales script or a customer service script.**

Claim 5: The method of claim 1, wherein the presentation is a language in which to present the script (C2, L50-51). **The TSR uses a voice file to respond to the individual at the other end of the line. This implies that the two understand each other and that they are using some type of language to communicate with each other.**

Claim 8: A pseudo-conversation system for use between one or more users and one or more recipients, the system comprising (C2, L16-17):

Claim 8, Line 3: a computer, wherein the computer includes a computer interface operable to receive input from a user (C4, L49-50); **The telephone contact program acts as the interface between the user and the system.**

Claim 8, Line 5: a communication device, wherein the communication device accepts input from the computer and provides an audio output accessible to the user (C5, L12-16); **The communication system transmits the voice portion of the approved prerecorded cell of information directly to the prospective party.**

Claim 8, Line 7: a computer readable medium accessible by the computer, wherein the computer readable medium comprises instructions executable by the computer to:

Claim 8, Line 9: receive a selection from the user (C5, L49-50); The TSR requests the server to activate a telephone contact program stored in the database.

Claim 8, Line 10: based on the selection from the user, access an audio output; and (C5, L51-53). The telephone contact program presents to the TSR, via computer 12's monitor, a script that is to be used to conduct the telephone contact.

Claim 8 Line 12: present the audio output to the communication device (C5, L65-66). If the TSR is authorized access, he/she may conduct the telephone contact using the voice and text mode.

Claim 9: The pseudo-conversation system of claim 8, wherein the instructions are further executable by the computer to: access a script, wherein the script comprises a group of script items (C5, L53-55). The script contains a plurality of cells that have information or options concerning the text and voice files of the telephone contact campaign.

Claim 10: The pseudo-conversation system of claim 9, wherein the instructions are further executable to by the computer to: present a subset of the group of script items to the user via a display associated with the computer, wherein the selection from the user indicates one of the subset of the group of script items (C5, L51-55). The telephone contact program presents to the TSR, via computer 12's monitor, a script that is to be used to conduct the telephone contact. The script contains

a plurality of cells that have information or options concerning the text and voice files of the telephone contact campaign.

Claim 11: The pseudo-conversation system of claim 10, wherein the selection from the user is a no-response (C6, L13-15). **If the TSR is not authorized access, the system does not activate the voice and text mode for this particular TSR. ,** and wherein the system further comprises a microphone for accepting an audio input (C6, L5-7) from the user to be presented (C6, L9-11) via the communication device. **This particular claim is broken up into three sections (i.e. no-response, an input device and presentation of the scripts). First lets address no-response. No-response will assume to mean that the telephone has gone off-hook, so a response is not necessary to this stimulus. Secondly, an input device could be seen as a microphone, keyboard or mouse. It really does not matter. Lastly, the presentation of the scripts. The TSR can manually activate the start of the play of text and voice files.**

Claim 12: The pseudo-conversation system of claim 10, wherein the selection from the user is a first selection, the subset of the group of script items is a first subset of script items, the audio output is a first audio output, and wherein the instructions are further executable by the computer to:

Claim 12, Line 5: present a second subset of script items to the user via the display, wherein the second subset of script items is based at least in part on the first selection; and

Claim 12, Line 7: receive a second selection from the user (C5, L51-55);

Claim 12, Line 8: based on the second selection from the user, access a second audio output (C5, L51-53); and

Claim 12, Line 9: present the second audio output to the communication device (C5, L65-66). It is felt by the Examiner that this claim does not further limit Claim 10.

Claim 13: The pseudo-conversation system of claim 12, wherein the first subset of script items includes one or more salutations and the second subset of script items includes one or more responses chosen in anticipation of a recipients response (C5, L12-24). **When contact is made with the prospective party, the communication system transmits the voice portion of the approved prerecorded cell of information directly to the prospective party. The voice portion of the approved prerecorded cell of information is in the actual voice of the TSR who is conducting the current telephone contact. The TSR monitors the voice transmission to the party while observing the text portion of the information cell being displayed on his/her computer monitor. If the party responds in a selected manner to the voice portion of the information cell, the TSR may select a responsive subsequent information cell to be transmitted to the prospective party.**

Claim 14: The pseudo-conversation system of claim 10, wherein the subset of the group of script items are responses chosen in anticipation of a recipients response (C5, L12-24).

Claim 15, 16, 17: The pseudo-conversation system of claim 8, wherein the computer interface is a keyboard, mouse, microphone (C6, L5-7). **The text mode**

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allows the TSR to read and speak the text of the prepared telephone contact to the prospective party and terminate the session when desired. All of these are input devices and will be evaluated as such by the Examiner.

Claim 18, 19 and 20: The pseudo-conversation system of claim 8, wherein the communication device comprises a telephone device and dialing device (C6, L11-13). **These can all be seen as different forms of communicative devices.**

Claim 21: The pseudo-conversation system of claim 18, wherein the telephone device further comprises: a microphone operable to accept audio input from the user (C5, L12-16).

Claim 22: The pseudo-conversation system of claim 18, wherein the telephone device accepts a telephone number from the computer, and dials the telephone number (C6, L11-13).

Claim 23: The pseudo-conversation system of claim 22, wherein the telephone number is provided to the computer via the computer interface (C6, L11-13).

Claim 24: The pseudo-conversation system of claim 8, wherein accessing the audio output comprises: accessing a database associated with the computer to obtain an audio file; and converting the audio file to the audio output (C5, L49-50).

Claim 25: A method for providing a consistent presentation to one or more recipients, the method comprising:

Claim 25, Line 3: initiating communication with the recipient (C2, L48-50);

Claim 25, Line 4: presenting a group of script items to a user (C5, L53-55);

Claim 25, Line 5: receiving a selection of a script item from the group of script items (C5, L53-55); and

Claim 25, Line 6: presenting the script item to the recipient as an audio output (C5, L65-66).

Claim 26: The method of claim 25, wherein initiating communication with the recipient comprises:

Claim 26, Line 3: receiving, at a computer, a telephone number associated with the recipient (C6, L11-13);

Claim 26, Line 4: providing the telephone number to a dialing device in communication with the computer (C6, L11-13);

Claim 26, Line 6: dialing the telephone number (C6, L11-13); and

Claim 26, Line 7: upon response of the recipient, presenting a salutation to the recipient as an audio output (C5, L12-24).

Claim 27: The method of claim 25, the method further comprising: receiving a response from the recipient; and providing the response to the user via a speaker (C5, L12-16).

Claim 28: The method of claim 27, wherein the group of script items is determined based on an anticipated response from the recipient (C5, L12-24).

Claim 29: The method of claim 27, wherein the selection is based at least in part on the response provided to the user (C5, L12-16).

Claim 30: The method of claim 25, wherein the group of script items is a first group of script items, and the script item is a first script item, the method further comprising:

Claim 30, Line 3: providing a set of script items, wherein the first group of script items includes a first subset of the set of script items and a second group of script items includes a second subset of script items **(C5, L53-55)**;

Claim 30, Line 6: receiving a response from the recipient, wherein the response is related to the first script item **(C2, L35-48)**;

Claim 30, Line 8: presenting the second group of script items to the user, wherein the second group of script items is chosen in anticipation of the response to the first script item **(C5, L65-66)**;

Claim 30, Line 10: receiving a selection of a second script item from the second group of script items **(C2, L35-48)**; and

Claim 30, Line 12: presenting the second script item to the recipient as another audio output **(C6, L11-13)**.

Claim 31: The method of claim 5, wherein presenting the group of script items to the user comprises: presenting the group of script items on a display **(C5, L51-53)**.

Claim 32: The method of claim 25, wherein the group of script items are accessed from a computer readable medium **(C4, L41-43)**.

Claim 33: The method of claim 32, wherein the group of script items comprises a group of audio files **(C2, L27-31)**. **The maintenance portion of the present invention enables the TSR to update and improve selected prerecorded voice**

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files to ensure voice quality, energy, tone, and pitch of his/her recordings and obtain management approval.

Claim 34: The method of claim 33, wherein each of the audio files are of a common voice type, such that presentation of two audio files appears as if a single person is speaking (C5, L30-35). **During a particular session the TSR may, terminate the prerecorded voice portion and communicate directly with the prospective party. The present invention enables the TSR to transparently communicate with a prospective party via the communication system.**

Claim 35: The method of claim 34, wherein the group of script items is a first group of script items, and the script item is a first script item, the method further comprising:

Claim 35, Line 3: providing a set of script items, wherein the first group of script items includes a first subset of the set of script items and a second group of script items includes a second subset of script items (C2, L62-65);

Claim 35, Line 6: receiving a response from the recipient, wherein the response is related to the first script item (C2, L62-65);

Claim 35, Line 8: presenting the second group of script items to the user, wherein the second group of script items is chosen in anticipation of the response to the first script item (C2, L62-65); and

Claim 35, Line 10: receiving a selection from the user indicating a "no response" (C2, L13-15).

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Claim 36: The method of claim 35, wherein the method further comprises:
receiving from the user, an audio response to the response from the recipient;
presenting the audio response to the recipient (**C5, L18-24**).

Claim 37: The method of claim 36, the method further comprising: presenting
the set of script items to the user in response to the indication of "no response" (**C2, L13-15**).

Claim 38: The method of claim 25, wherein the selection is received via a
keyboard (**C4, L41-43**).

Claim 39: The method of claim 25, wherein the selection is received via a
microphone (**C6, L5-7**).

Claim 40: The method of claim 25, wherein the presenting the script item to the
recipient as an audio output is done via a telephone (**C5, L65-66**).

Claim 41: A method for responding to inquiries, the method comprising:

Claim 41, Line 2: receiving an inquiry from a recipient (**C5, L12-24**);

Claim 41, Line 3: viewing a group of script items (**C5, L12-24**);

Claim 41, Line 4: selecting a script item from the group of script items (**C5, L65-66**); wherein the selected script item is presented to the recipient as an audio output (**C5, L65-66**).

Claim 42: The method of claim 41, wherein the group of script items is a first
group of script items, the method further comprising:

Claim 42, Line 3: automatically selecting a salutation from a set of script items, wherein the first group of script items is a subset of the set of script items (**C5, L12-24**); and

Claim 42, Line 5: presenting the salutation to the recipient as an audio output (**C5, L12-24**).

Claim 43: The method of claim 41, wherein receiving the inquiry from the recipient comprises receiving an audio input from the recipient (**C5, L18-24**).

Claim 44: The method of claim 41, wherein the script item is a first script item, and wherein the group of script items is a first subset of script items and a subset of a set of script items, the method further comprising:

Claim 44, Line 4: receiving a response to the audio output (**C5, L51-53**);

Claim 44, Line 5: viewing a second subset of script items, wherein the second subset of script items is a subset of the set of script items (**C5, L49-50**); and

Claim 44, Line 7: selecting a second script item from the second subset of script items; wherein the second script item is presented to the recipient as an audio output (**C5, L65-66**).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 6-7** are rejected under 35 U.S.C. §103(a) as being unpatentable over **Noble Jr.** (US Patent# 6,356,634) in view of **Ainslie et al.** (US Patent# 6,480,599).

Noble Jr. fails to disclose the use of script that is presented in graphics format.

Such a format would include American sign language.

As per Claim 6: The method of claim 1, wherein the presentation is a graphics format in which to present the script (**Ainslie: (C3, L15-18)**). **The interactive response device recognizes text messages.**

As per Claim 7: The method of claim 6, wherein the graphics format is American Sign Language (**Ainslie: (C3, L15-18)**). **The interactive response device recognizes text messages.**

Ainslie discloses an incoming call received by the caller interviewer and is answered by the caller interviewer and the caller interviewer switches to the automatic speech recognizer (**C7, L6-12**). References **Noble Jr.** and **Ainslie** are analogous art because they are from the same field of endeavor, which is the telecommunication arts.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify **Noble Jr.** to include the ability to use graphics format. The motivation would have been the ability to communicate with all of his recipients,

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whether they be hearing deficient or not. Therefore, It would have been obvious to combine **Noble Jr** with **Ainslie**.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katz (US Patent# 6,570,967)

Bondarenko et al. (US Patent# 6,560,328)

9. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

Harry Newton, Newton's Telecom Dictionary, 1998, Telecom Books,
14ed., pg. 787

10. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

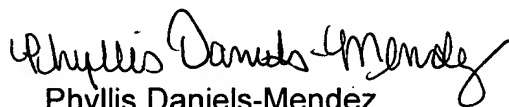
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phyllis Daniels Mendez whose telephone number is (571) 272-7657. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

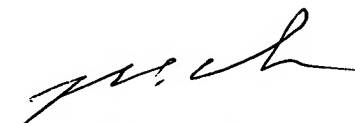
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for

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the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.


Phyllis Daniels-Mendez
Patent Examiner
Tech Center 3600
4/20/2006


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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